

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JHON LORA, <i>et al.</i> ,	:	
Plaintiffs,	:	1:20-cv-1787
	:	
v.	:	Hon. John E. Jones III
	:	
LT. BAYLOR, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

October 13, 2020

NOW THEREFORE, upon preliminary consideration of Plaintiffs' complaint (Doc.1), and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED:

1. Plaintiffs' applications (Docs. 2-9) to proceed *in forma pauperis* are construed as requests to proceed without full prepayment of fees and are GRANTED.
2. Each Plaintiff shall PAY the full filing fee of \$350.00, based on the financial information provided in the Applications for Leave to Proceed *In Forma Pauperis* (Docs. 2-9) and the Prisoner Trust Fund Account Statements (Docs. 16-23). The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiffs' place of confinement is directed to DEDUCT an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or

(B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to SEND a copy of this Order to the Superintendent/Warden of the institution at which each Plaintiff is presently confined.
5. The Complaint is DEEMED filed.
6. Plaintiffs' complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. Plaintiffs' motions (Doc. 12) to appoint counsel and (Doc. 24) for class certification and for permanent injunction (Doc. 25) are DENIED as moot.
8. The Clerk of Court is directed to CLOSE this case.
9. Any appeal from this Order is DEEMED frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III

John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania